

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MELVIN JOSEPH SIMMONS,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

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C.A. No. 18-11739-ADB

ORDER

BURROUGHS, D.J.

For the reasons set forth below, the Court dismisses this action.

On August 15, 2018, *pro se* litigant Melvin Joseph Simmons, who is incarcerated in a California state prison, filed a pleading in which he asks for a “writ of ejectment” “to free him from the unlawful custody of the State of California, its agency California Department of Corrections and Rehabilitation and from the wrongful garnishment imposed upon [him].” Compl. at 5, ¶ 1; *see also id.* at 7, ¶ 7 (asking that the court “grant immediate release unconditionally from confinement within California Department of Corrections and Rehabilitation”). It does not appear that Simmons’s claim has any connection to the District of Massachusetts.

Whether the pleading is construed as a petition for a writ of habeas corpus or a non-habeas pleading, it is subject to a preliminary screening. *See* Rule 4 of the Rules Governing Habeas Corpus Cases under Section 2254; 28 U.S.C. § 1915A(a).

Here, Simmons's pleading does not provide basis for relief in this Court. The document does not contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Further, the Court lacks habeas jurisdiction over the matter because Simmons is not confined in the District of Massachusetts. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442-43 (2004).

Accordingly, the Court orders that this action be dismissed. No filing fee is assessed.

**SO ORDERED.**

September 19, 2018

/s/ Allison D. Burroughs  
ALLISON D. BURROUGHS  
U.S. DISTRICT JUDGE